HIGH COURT OF UTTARANCHAL AT NAINITAL

Writ Petition No. 2362 of 2001 (SS)

(Old No. 37548/2000)

Surendra Dutt Kothiyal s/o Sri Rati Ram Kothiyal
Kanishth Lekha Lipik, Finance and Accounts Officer,
Basic Education, Haridwar ..... Petitioner

Versus

1. State of Uttar Pradesh
2. Director, Basic Education U.P.
3. The Finance Controller, Basic Shiksha Parishad, U.P.
4. Finance and Accounts Officer Basic Education, Haridwar
5. Sri Som Prakash, Kekhakar, Finance and Accounts Office, Saharanpur U.P. ..... Respondents

Sri Pankaj Purohit, Advocate for the petitioner
Standing Counsel for the respondents.

Dated: 4.3.2006

Hon'ble Rajesh Tandon, J.

Heard the learned counsel for the parties at length.

By the present writ petition the petitioner has prayed for a writ of certiorari quashing the effect and operation of communication letter dated 9.2.2000.

Briefly stated according to the petitioner he was appointed as Junior Accounts Clerk 1.6.1993 and he joined his duty on 14.6.1993. On account of the promotion of Sri Pratap Singh Rawat, Sahayak Lekhakar to the post of Lekhakar post of Sahayak Lekhakar fell vacant on 16.5.1996 and since the petitioner was having reuisite qualification to be promoted as

Assistant Accountant, he applied for promotion to the post of assistant Accountant. The petitioner has submitted that he is in better footing than the respondent no.5 but the respondent no. 5 was promoted vide order dated 30.8.1996. Thereafter respondent no. 5 was promoted to the post of Assistant Accountant and again to the post of Accountant. On Account of promotion of the respondent no. 5 the post of Assistant Accountant in the establishment fell vacant. The petitioner preferred an application for his promotion on 28.12.1999, which was rejected by respondent no. 4 vide order-dated 9.2.2000.

The grievance of the petitioner is that he is entitled for promotion on the post of Assistant Accountant and the post is still lying vacant.

In view of above, liberty is given to the petitioner to prefer a representation to the competent authority within one month after obtaining certified copy of this order, who shall decide the same within three month thereafter.

Accordingly, writ petition is disposed of. No order as to costs.

Dated: 4.3.2006 **Rajesh Tandon, J.**

*Dhyani